



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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16

EXAMINER

ART UNIT	PAPER NUMBER
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23

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/957,512	Applicant(s) Wilkinson et al.
	Examiner John Chavis	Group Art Unit 2122

Responsive to communication(s) filed on Aug 28, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 1-58, 91-100, and 105-144 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 1-57, 95-100, and 105 is/are allowed.

Claim(s) 58, 91-94, 106-112, 114-122, 124-137, 139, 141, and 143 is/are rejected.

Claim(s) 113, 123, 138, 140, 142, and 144 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

- received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

1. The specifications change requested by the applicant on page 5 line 12 has been entered.

35 U.S.C. 102 REJECTION

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 58, 91-94, 106-112, 115-122, 124-128, 130-136, 137, 139, 141, and 143 and are rejected under 35 U.S.C. 102(e) as being anticipated by Peyret et al. (5,923,884). The applicant claims an integrated circuit card for storing information for communicating with a terminal. The features of the applicant's claim are now presented in a side by side manner with the teachings of Peyret. The specific details of the rejection were discussed in the previous action mailed June 21, 2000 and therefore will not be repeated. The specific arguments presented by the applicant have all been discussed in the previous rejection and therefore those arguments will also not be repeated here. In reference to the newly added claims, 137, 139, 141, and 143, see the previous rejection of claim 58, 92, 106.

The applicant indicates that claims 91, 93 ,106, and 120 includes a string of characters being replaced by an identifier, which was not specified in claim 1; however, claim 1 includes an interpreter which provides the same feature. Therefore, the claims are still rejected as claim 1. The applicant further argues that his system compiles then converts programs, while the compiling feature is inherent in

Java and the conversion is also inherent when a program is compiled on one unit to be utilized on another.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 114 and 129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peyret et al.

(5,923,884) in view of Martineau (5,915,26), as cited in the previous action.

Allowable Subject matter

6. Claims 113, 123, 138, 140, 142, and 144 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-57, 95-100, and 105 are allowable over the prior art of record.

8. Applicant's arguments filed 8-28-00 have been fully considered but they are not persuasive for the reasons indicated above.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz (**New Art Unit 2762**), can be reached on (703) 305-9643. The fax phone number for this Group is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Kakali Chaki

KAKALI CHAKI
PRIMARY EXAMINER


JQC
November 20, 2000

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE
CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE
OATH OR DECLARATION, notwithstanding any indication to the
contrary in the attached Notice of Allowability (PTO-37).**

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a)~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).